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14 Attorneys for Defendant
 MASCON, INC.

15
UNITED STATES DISTRICT COURT
 16
SOUTHERN DISTRICT OF CALIFORNIA
 17

18
 19 PULSE ENGINEERING, INC., a Delaware
 20 corporation,

Case No. 08cv0595 JM AJB

21 Plaintiff,

22 v.
DEFENDANT'S SETTLEMENT
BRIEF

23 MASCON, INC., doing business as ATW
 SECURITY, a Massachusetts corporation,
 24

25 Defendant.

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 27 Defendant Mascon, Inc. ("Mascon") submits this settlement brief pursuant to the order of this
 28

1 Court date July 2, 2008.

2

3 **I. BRIEF DESCRIPTION OF THE CASE AND THE CLAIMS ASSERTED**

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5 The patents in suit (U.S. Patent No. 6,404,347 and 6,472,992) deal with electric filter circuits

6 that block certain signals (specifically, Digital Subscriber Line ("DSL") signals such as are used to

7 communicate over the Internet) from alarm units. The patents issued after a most cursory

8 examination, and there was no discussion of any kind by the Patent Examiner of the extensive prior

9 technology that had already been developed for this purpose.

10

11 Mascon sells a DSL filter under the designation DSL-500. It is believed that this is the filter

12 accused of infringement.

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14 No specific claims of the '347 or '992 patents have yet been identified as being infringed by

15

16 Mascon.

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18 **II. SETTLEMENT DEMAND**

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21 Mascon has been advised by outside patent counsel that the DSL-500 does not infringe any of

22 the claims of the '347 and '992 patents and thus has rejected Plaintiff Pulse's demands.

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25 **III. PRIOR SETTLEMENT NEGOTIATIONS**

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27 Subsequent to Pulse's first contact with Mascon concerning the '347 and '992 patents, Mascon

28 counsel, both corporate counsel and outside patent counsel, advised Pulse on several occasions that

Mascon had duly evaluated Pulse's claims of infringement and determined that there was in fact no

basis for such a claim. Mascon specifically advised Pulse that it had obtained an opinion of counsel to

that effect, and offered to discuss with Pulse the specific reasons for its conclusions in detail so that an

unnecessary litigation would not be spawned. Pulse did not agree to such a discussion, but rather

1 proceeded to file suit for infringement.

2 Subsequent to the filing, the parties, through counsel, again conferred, but again there was no
3 detailed discussion of the specifics of the alleged infringement. The parties, through counsel, last
4 conferred at their Rule 26(f) Conference on August 4 but their positions remain unchanged.
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6
7

8 DATED: August 18, 2008

Cesari And McKenna
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Charles F. Reidelbach, Jr., Esq.
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Mascon, Inc.

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15 **CERTIFICATE OF SERVICE**
16

17 This is to certify that a copy of **DEFENDANT'S SETTLEMENT BRIEF** was served on the
following parties by email:

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